

September 12, 2000

The Salisbury Planning Board held its regular meeting on Tuesday, September 12, 2000, in the City Council Chambers of the Salisbury City Hall at 4:00 p.m. with the following being present and absent:

PRESENT: DeeDee Wright, Mark Perry, Leigh Ann Loeblein, Mark Lewis, Jeff Sowers, Ken Mowery, John Daniels, Sean Reid, Andy Storey, Elaine Stiller, Jeff Smith, Fred Dula

ABSENT: None

STAFF: Harold Poole, Patrick Kennerly, Hubert Furr, Janice Hartis

The meeting was called to order by Chairman Lewis. The minutes of August 8, 2000, were approved as published.

VISUAL CORRIDOR OVERLAY DISTRICT (VCOD)

Mark Perry gave the final committee report on the VCOD text. After bringing a recommendation to Planning Board at its August meeting, the committee was asked to gather additional input before bringing the issue back to Planning Board. With this in mind, the committee invited community leaders to come and speak at a committee meeting. Representatives of Downtown Salisbury, Inc., Rowan Co. Convention and Visitors Bureau, Chamber of Commerce and several business leaders attended the meeting. The overlay district will be applicable to any corridor in the city, although East Innes Street has been the impetus behind the process. The committee is recommending the adoption of the Visual Corridor Overlay District. This recommendation comes as a motion from the committee. The motion was seconded by Jeff Sowers.

Sean Reid asked whether all the hamburger restaurant signs along East Innes Street would have to be removed. Are we going to be cutting off their business if they have to remove their tall signs and replace them with much smaller signs for aesthetic reasons just to make Innes Street look better.

Mr. Poole indicated we would not be hurting any businesses. The sign ordinance adopted in 1986 was a lot more stringent than what the city had previously. Existing nonconforming signs were permitted to remain and new signs erected since 1986 had to meet the new requirements. This ordinance would create a level playing field for everyone.

Mark Lewis asked if any site plan review was written into the ordinance. Mr. Poole indicated it was not and that it needed to be added. It was the consensus of the Board that this requirement be added.

Ken Mowery questioned the need for a roof pitch requirement. A lot of commercial buildings have flat roofs with facades to make up the difference so that the buildings don't look

like square boxes. Jeff Sowers indicated the intent was to avoid seeing flat roofs and the roof pitch item was included to promote more of a gable type of roof rather than a flat roof.

Mr. Mowery moved to amend the original motion to approve the ordinance to rewrite requirement (6) in Section 15.04, Design Standards, to read as follows: “Roof pitches less than 3/12 will require a parapet wall.” The motion was seconded by DeeDee Wright, with all members voting AYE.

On the call for the question on the motion, as amended, to approve the Visual Corridor Overlay district, all members voted AYE.

Chairman Lewis asked that the VCOD committee meet again to study Innes Street and come back with a proposal for a map amendment.

ZONING MAP AMENDMENTS

<i>Case No.</i>	<i>Name</i>	<i>Location</i>	<i>From</i>	<i>To</i>
Z-16-00	Dennis Bunker	110, 112, 118 and 136 Mahaley Ave.	B-RT Business Retail Trade	Add GD-A General Development “A” overlay
Z-17-00	Dennis Bunker	140, 144 and 148 Mahaley Ave.	R-8 Single Family-8 Residential	B-RT Business Retail Trade with GD-A General Development “A” overlay
Z-18S-00	Dennis Bunker	1906, 1908, 1910 and 1912 W. Innes	B-RT Business Retail Trade	B-RT-S Special Business Retail Trade with GD-A General Development “A” overlay (with restrictions)
Z-19S-00	Nathan Bunker	Lilly Ave. (parking lot)	R-8 Single Family-8 Residential	B-RT-S Special Business Retail Trade with GD-A General Development “A” overlay (with restrictions)
Z-20S-00	Nathan Bunker	117 Lilly Avenue	R-8 Single Family-8 Residential	B-RT-S Special Business Retail Trade with GD-A General Development “A” overlay (with restrictions)

- (a) Chairman Lewis convened a courtesy hearing on the above five zoning cases.

Those speaking in favor of the zoning change requests:

Dennis Bunker, the petitioner – If we focus on land use and highest and best use, then the merits of the potential redevelopment are clear.

Those speaking in opposition to the zoning change request:

Ruth Mead, Lilly Avenue – Neighbors have apprehension that once the residents give up any of Lilly Avenue, the rest of it goes. The Bunkers own all of the property that backs up to Lilly Avenue. How soon will it be before the neighbors are back again fighting for the next parcel.

Ruth Young, 153 Lilly Avenue – Salisbury 2000 promises to protect neighborhoods. Financial gain is no criterion for rezoning. If the Planning Board has protected any neighborhood in the past, you should protect all neighborhoods.

Sam Post, Lantz Avenue – Would liked to have seen the property developed as it is presently zoned, but sees that this is not going to happen. The neighborhood will probably undergo a drastic change. Probably for the better due to the condition of the corner property (Innes and Mahaley). The rezoning will also start to encroach upon the neighborhood. Three houses will be lost on Mahaley which might cause a domino effect.

One person stood in favor and six stood in opposition to this request.

The chairman closed the courtesy hearing on these cases.

- (b) Board Discussion:

DeeDee Wright – Questioned what was the Council's directive when this was referred back to Planning Board.

Harold Poole explained that when Mr. Bunker's first rezoning request (Z-6-00) went to City Council, they wanted to look at it more thoroughly and sent it to a Council committee. The Council committee met with Mr. Bunker and several Lilly Avenue neighbors. The Council committee recommended that several changes be made to Mr. Bunker's request. The City Attorney would not allow City Council to vote on the request in the modified form without Planning Board recommendation. The City Attorney felt the changes were different enough that the case needed to go back to the Planning Board. The original request was not referred back to Planning Board from City Council. However, it was indicated to Mr. Bunker if he were interested in looking at another zoning case, he could do so. Mr. Bunker reapplied and included the recommended changes City Council had suggested. These changes are reflected in the five new rezoning requests. Mr. Lewis stated that he had attended part of the Council committee meeting with Mr. Bunker and the neighbors where a compromise was attempted. However, in this case, there are members in the neighborhood who are not happy with anything happening.

DeeDee Wright – Concerned with who would be responsible for maintaining the six-foot wall. With the rezoning, the number of permitted uses increases from 15 to 93. Fears that the wall will become overgrown.

Mark Perry – There are seven or eight Salisbury 2000 policies that speak to preserving neighborhoods. You can't help a neighborhood by taking it apart at its fringes and expect it to be viable, safe, attractive and desirable.

Sean Reid – You're eliminating a walkable community with a six-foot wall. This is a nice neighborhood. The wall would make the neighborhood look like a jail. Thinks the low turn-out of neighbors is because the neighbors feel this is a done deal. The Planning Board is just rubber-stamping the process. This is not protecting the neighborhood. Nobody is winning.

Fred Dula – This has been here twice. Nothing has changed any of the Board members' minds. This is a political issue.

Ken Mowery – Wants to see the corner redeveloped. Has problems with taking that many residential properties from the neighborhood. Some of the lots on Mahaley Avenue have fairly nice houses. Not in agreement with that portion of the rezoning application.

Elaine Stiller – None of the people who live on Mahaley Avenue have voiced an objection. Agrees with Fred. We're just saying the same things over and over. She moved to close debate on the cases. Sean Reid seconded the motion with all members voting AYE except Jeff Sowers and Jeff Smith who voted NAY. The motion carried.

Z-16-00: from B-RT to add a GD-A General Development "A" overlay – motion to recommend approval made by Jeff Smith, seconded by Leigh Ann Loeblein, with Stiller, Loeblein, Smith, Sowers, Lewis, Wright, Perry, Storey, Dula and Mowery voting AYE, Daniels voting NAY, and Sean Reid abstaining. Motion carried. Mr. Reid indicated he was abstaining because of the way the matter came back to the Board. This is not going to benefit anyone.

Z-17-00: from R-8 to B-RT with GD-A General Development "A" overlay – motion to recommend approval made by Jeff Smith, seconded by Elaine Stiller, with Stiller, Loeblein, Smith, Sowers, Lewis, Storey and Dula voting AYE, Daniels, Mowery, Perry and Wright voting NAY, and Reid abstaining. Motion carried.

Z-18S-00: from B-RT to B-RT-S Special Business Retail Trade with GD-A General "A" overlay (proposed uses: B-RT uses; proposed conditions: (1) no vehicular access to Lilly Avenue; (2) street yard landscaping in accordance with Table 10-3 of Article X of Zoning Ordinance; (3) other city regulations) – motion to recommend approval made by Ken Mowery, seconded by Fred Dula, with Stiller, Loeblein, Sowers, Lewis, Perry, Storey, Dula, and Mowery voting AYE, Wright, Smith and Daniels voting NAY, and Reid abstaining. Motion carried.

Z-19S-00: from R-8 to B-RT-S Special Business Retail Trade with GD-A General Development "A" overlay (proposed uses: B-RT uses; proposed conditions: (1) no vehicular access to Lilly Avenue; (2) brick wall 6 feet high running 20 feet from Lilly Avenue right-of-way; (3) "D" planting yard landscaping points in condition (2) above; (4) other city regulations) – motion to recommend approval made by Jeff Smith, seconded by Jeff Sowers, with Stiller, Loeblein,

Smith, Sowers, Lewis, Storey, and Dula voting AYE, Daniels, Mowery, Perry and Wright voting NAY and Reid abstaining. Motion carried.

Z-20S-00: from R-8 Single Family Residential to B-RT-S Special Retail Trade with GD-A General Development “A” overlay (proposed uses: B-RT uses; proposed conditions: (1) no vehicular access to Lilly Avenue; (2) brick wall 6 feet high running 20 feet from Lilly Avenue right-of-way and 20 feet from its boundary with Lot 147 (McCracken); (3) “D” planting yard landscaping points in condition (2) above; (4) other city regulations) – motion to recommend approval made by Jeff Smith, seconded by Jeff Sowers, with Stiller, Loeblein, Smith, Sowers, Lewis, Storey, and Dula voting AYE, Daniels, Mowery, Perry and Wright voting NAY and Reid abstaining. Motion carried.

GROUP DEVELOPMENT

G-10-00 Salisbury Place, 214 Klumac Road

Rodney Queen has submitted a proposal for a four-unit office building. The Technical Review Committee recommends approval. On a motion by Ken Mowery, seconded by DeeDee Wright, with all members voting AYE, the site plan was recommended for approval.

COMMITTEE REPORTS

(a) Z-14S-00 Daniel Harrison, 127 North Fulton Street (transferred from Z-14-00 Delas Byers) – Sean Reid gave committee report. This case has transitioned from a general use case (B-1 to B-CS) to a special use case (B-1 to B-CS-S). The committee studied the Special Use District application which listed the proposed uses and the proposed conditions. The committee did not feel any of the uses would be offensive and is recommending approval for rezoning to B-CS-S. The committee recommendation comes as a motion to approve. The motion was seconded by DeeDee Wright with all members voting AYE.

(b) Sidewalks Special Committee – Jeff Smith gave a status report. The committee met to discuss possible new standards within the Subdivision Ordinance requiring sidewalks and vertical curb and gutter in future subdivisions. Several developers and citizens were also at the committee meeting. During the Salisbury 2020 public participation program, the number one citizen input issue was the need for sidewalks and a more walkable community. Sidewalks were also in the top four from the youth input. Several cost questions were raised, and staff was directed to find answers to these questions, along with how many new houses are being built in Salisbury. The committee will meet again later in the month.

(c) Jake Alexander Blvd. Small Area Study – DeeDee Wright gave a status report. The committee took a field trip along Jake Alexander Blvd. and noted similarities and differences between the east and west sides of the boulevard. The east side remains principally undeveloped at this time. The west side of the boulevard has a variety of land uses and zoning classifications. The committee feels that it may need to make both short-term and long-term recommendations.

(d) Legislative Committee – Jeff Sowers gave a status report. The committee discussed possible new subdivision standards dealing with the maximum length of cul-de-sacs and blocks. The committee went on a van trip to various neighborhoods around the city. Cul-de-sacs vary in

length ranging from 300 feet to over 1,500 feet. The committee seems to feel comfortable with cul-de-sacs up to about 600 feet in length. Block lengths, or distances between intersections, were observed from 400 feet up to over 3,300 feet. The committee is not ready to make a recommendation at this time.

REFERRAL FROM CITY COUNCIL

Mr. Poole reported that City Council had referred to the Planning Board a request pertaining to the allowance of off-site parking. A part of Section 7.02, Off-Street Automobile Parking and Storage, requires that off-street automobile parking or storage space be provided on every lot for any permitted use except as exempted by Section 7.06 or "...provided that no parking space can be reasonably provided on the same lot, such space shall be provided on any lot permitted automobile parking lots or structures, a substantial portion of which is within five hundred (500) feet of such uses." Some people have misused this in the past. A business will rent or lease property across a street or major highway (in order to meet the off-street parking requirement) with no indication to customers that additional parking is available across the street. Mr. Poole indicated this could be addressed either through a committee or have staff look at it and bring a staff report at the next meeting at which time the Board could vote on it or, if not satisfied with staff recommendations, refer it to a committee. It was the consensus of the Board that the matter go to staff for further study and recommendation at the next meeting.

Jeff Sowers asked how long this has been in the ordinance and roughly how much this is used by various property owners. Staff will also research these questions.

REPORTS

Chairman Lewis reported on the retreat held August 29 at CCB.

Harold Poole and Patrick Kennerly reported on the Planning Division goals and highlights for fiscal year 2000. This presentation is given to the City Manager and department heads each year.

An organizational chart for the Land Management and Development Department was distributed to Board members as information.

OTHER BUSINESS

The city has received a request from someone regarding campground regulations. There are no zoning requirements pertaining to campgrounds, and staff was directed to further study the issue and report at the next meeting.

There being no further business to come before the Board, the meeting was adjourned.

Secretary

Chairman